IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40583 of 2008
HENIYA YADAV
Versus
STATE OF BIHAR
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2. 22.10.2008 Heard Mr. Rao Kundan Kumar Karmvir, learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P.

The Judge appears making a wrong record of fact. The record is that the petitioner murdered the deceased by putting a pistol on the neck of the deceased and fired a shot from it. This finding is recorded in para-6 of the impugned order. If one could consider the F.I.R., the above allegation appears against the accused Tikar Yadav. This probably could give an impression as to how the Judge, who presided over F.T.C.-VII, Munger, was determined to refuse the prayer for bail against its merit. It smacks of a clear intentional wrong application of his own discretion.

Regard being had to the allegation, let petitioner, named above, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge, F.T.C.-VII, Munger, in connection with Dharahara P.S. case no.6 of 2006/Sessions Case no.231 of 2008.

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(Dharnidhar Jha,J)

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